



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 22 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony Benacquisto, Vice President
Strong Steel Products, LLC
6464 Strong Street
Detroit, Michigan 48211

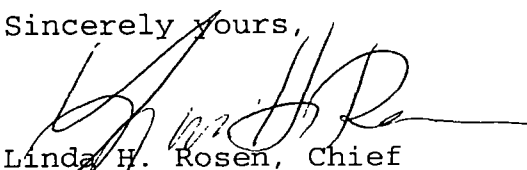
Dear Mr. Benacquisto:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Strong Steel Products, Docket No. CAA-05-2003-0009. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on **MAR 22 2005**.

Pursuant to paragraph 10 of the CAFO, Strong Steel Products must pay the civil penalty within 60 days of 3/22/05. Your check must display the case docket number, 5-CAA-2003-009, and the billing document number, 050305014.

Please direct any questions regarding this case to Richard J. Clarizio, Assistant Regional Counsel, at (312) 886-0559.

Sincerely yours,


Linda H. Rosen, Chief
Michigan/Wisconsin Section

Enclosure

cc: Christopher J. Dunskey
Honigman Miller Schwartz and Cohn LLP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. CAA-05-2003-0009
)	
Strong Steel Products, LLC)	Proceeding to Assess an
)	Administrative Penalty
Respondent.)	under Section 113(d) of the
_____)	Clean Air Act,
)	42 U.S.C. § 7413(d).
)	

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On June 18, 2003, U.S. EPA filed the complaint in this action against Respondent, ("Strong Steel Products") for violations alleged at its facility located at 6464 Strong Street. The complaint alleges that Respondent violated Section 608 of the Act, 42 U.S.C. § 7671g, and 40 C.F.R. §82.156(f) at its facility in Detroit, Michigan. The complaint was amended on January 15, 2004 and January 5, 2005.

3. Respondent filed an answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Respondent admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

5. Respondent waives its right to contest in this proceeding the allegations in the complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

6. Respondent certifies to the best of its knowledge that it is complying fully with section 40 C.F.R. § 82.156(f) at its facility located at 6464 Strong Street.

7. The Respondent consents to the assessment of a statutory civil penalty as provided in this agreement in the amount of \$500,000 and any other conditions specified in this consent agreement and final order (CAFO).

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Respondent's payment of a civil penalty of \$500,000 (five hundred thousand dollars) U.S. EPA agrees to settle its claims as alleged in the complaint and its amendments. U.S. EPA further agrees to separately request voluntary dismissal with prejudice of its complaint docketed as CAA-05-2004-0015.

10. Respondent must pay the \$500,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 60 days after the effective date of this CAFO.

11. Respondent must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

12. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Richard J. Clarizio, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

13. This civil penalty is not deductible for federal tax purposes.

14. If the Respondent does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

15. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Respondent will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

16. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in the complaint and its amendments docketed as CAA-05-2003-0009.

17. Nothing in this CAFO restricts U.S. EPA's authority to seek compliance with the Act and other applicable laws and regulations.

18. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Full payment of the penalty assessed under the terms of the final order resolves Respondent's liabilities only for federal civil penalties arising out of the facts and violations alleged in the complaint and its amendments docketed as CAA-05-2003-0009. Payment of the penalty shall not affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

19. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

20. The terms of this CAFO binds Respondent and its successors, and assigns.

21. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

22. Each party agrees to bear its own costs and fees in this action.

23. This CAFO constitutes the entire agreement between the parties.

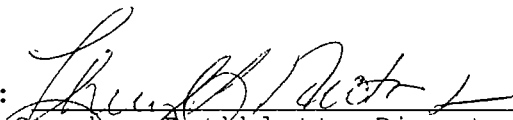
24. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5 and CAA-05-2004-0015 is dismissed with prejudice. This CAFO is not final until ratified by the Regional Administrator.

**U.S. Environmental Protection
Agency, Complainant**

Date:

3/9/05

By:

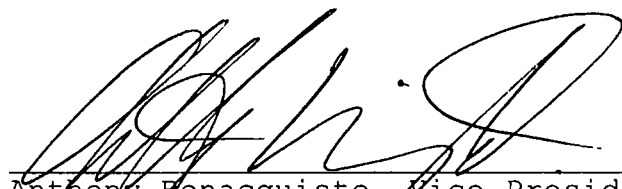

Stephen Rothblatt, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Strong Steel Products, LLC, Respondent

Date:

3/3/05

By:

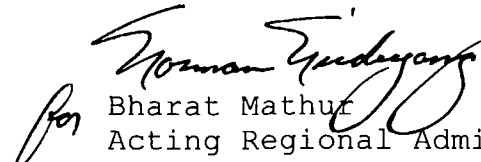

Anthony Benacquisto, Vice President
Strong Steel Products LLC

CONSENT AGREEMENT AND FINAL ORDER
Strong Steel Products, LLC
Docket No. CAA-05-2003-0009

Final Order

The foregoing Consent Agreement is hereby ratified and incorporated by reference into this final order pursuant to 40 C.F.R. § 22.18(b)(3). The Respondent is hereby assessed a civil penalty of \$500,000 as provided in the consent agreement in order to comply with all of the terms of the consent agreement effective immediately upon filing of this consent agreement with the Regional Administrator. This order disposes of this matter pursuant to 40 C.F.R. § 22.18(b). It is ordered as agreed to by the Regional Administrator.

Date: 3/9/05


Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

In the Matter of Strong Steel Products, LLC

CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2003-0009 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Strong Steel Products and its Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Chief Judge Susan L. Biro
Office of Administrative Law Judges
U.S. EPA
Mail Code 1900L
1200 Pennsylvania Avenue
Washington, D.C. 20460

Anthony Benacquisto, Vice President
Strong Steel Products, LLC
6464 Strong Street
Detroit, Michigan 48211

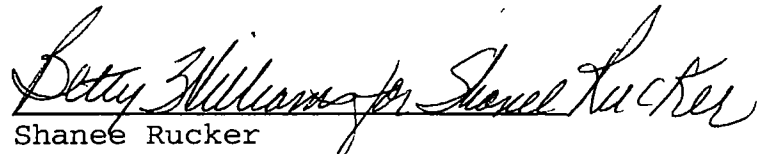
Christopher J. Dunskey
Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward avenue
Detroit, Michigan 48266-3506

I also certify that a copy of the CAFO was sent by First
Class Mail to:

Thomas Hess, Unit Supervisor
Michigan Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909

Teresa Seidel, District Supervisor
Southeast Michigan District
Michigan Department of Environmental Quality
38980 Seven Mile Road
Livonia, Michigan 48152-1006

on the 22nd day of March, 2005.


Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01784209
7001 0320 0006 0178 4216 - Anthony Bonacquisti
7001 0320 0005 8909 6752 - Christopher